IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No. 23303 of 2004

Between:

1 Kancheti Venkateswara Rao, S/o. Gopaiah,
R/o. H.No. 10-1-154, Tirupatammavaripalle,

Musalamadugu Panchayat, Burgampadu Mandal,
Khammam District.
2 M.S.K. Abdullah, S/o. Maimuddin
H.No. 10-1-147, Tirupatammavaripalle, Mandal, Khammam district.

..... PETITIONERS

AND

1 The District Collector, Khammam District, Khammam.
2 The Divisional Forest Officer, Khammam, Khammam District.
3 The Mandal Revenue Officer, Burgampadu Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate Writ, Order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondents in threatening to dispossess the petitioners from the houses bearing H.Nos. 10-1-154 and 10-1-147 of Bhadrachalam Manuguru Cross Roads, Tirupathmmapalli village, Burgampadu mandal, Khammam District, without following the due process of Law, as illegal, arbitrary unconstitutional and violative of Articles 19 and 21 of the Constitution of India and consequently direct the respondent authorities to consider the case of the petitioners for grant of pattas in their favour, and to pass such other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr. PALLE NAGESWAR RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.23303 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in threatening to dispossess the petitioners from the houses bearing H.Nos.10-1-154 and 10-1-147 of Bhadrachalam-Manuguru Cross Roads, Tirupathammapalli village, Burgampadu Mandal, Khammam district without following the due process of law as arbitrary and illegal and consequently to direct the respondents to consider the case of the petitioners for grant of pattas in their favour.

It is the case of the petitioners that they have been in peaceful possession and enjoyment of their respective houses along with their families without there being any interruption from anybody else for the last several years. The houses are connected with electricity supply, their names have been entered in the concerned voters' list and they are paying requisite taxes to the Gram Panchayat. They have approached the concerned revenue authorities on several occasions requesting them to grant pattas in respect of the land occupied by them. Though the respondents have promised, nothing happened till date. In fact, Gram Panchayat, Musalimadugu also passed a resolution for grant of patta in their favour. Respondent No.1 also by his letter dated 23-7-2004 instructed the 3rd respondent to take appropriate action for grant of patta and to submit a report. In spite of all these things, nothing happened and the respondents are now threatening to dispossess them

from the houses without any notice.

Assuming that the petitioners are squatting over the Government property, it seems they have constructed the houses, the houses are given house numbers, they are connected with electricity supply and the petitioners are also paying the house tax to the Gram Panchayat. Once this is so, without following the due process of law, the respondents cannot evict or dispossess the petitioners from their respective houses.

In view of the above, without expressing any opinion as to the merits of the case, the respondents are directed not to evict the petitioners from the said houses unless their cases are considered for grant of pattas as per law after issuing notice to them.

With the above direction, the Writ Petition is disposed of at the admission stage.

19-4-2005

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Khammam District, Khammam.
2 The Divisional Forest Officer, Khammam, Khammam District.
3 The Mandal Revenue Officer, Burgampadu Mandal, Khammam District.

4 2 CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad(OUT)

5 CD copies.